IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 13TH DECEMBER 2007 / 22ND AGRAHAYANA 1929

Crl.MC.No. 3695 of 2007

CC.2543/2006 OF JUDL.MAGISTRATE OF FIRST CLASS-II, KOCHI

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PETITIONERS:

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1. **ANTONY MINESH, S/O.PETER,**
   PALLIPARAMBIL HOUSE, C.C.NO.16/111(A),
   THOPPUMPADY, KOCHI-5.

2. **GRACY PETER, W/O.PETER,**
   PALLIPARAMBIL HOUSE, C.C.NO.16/111(A),
   THOPPUMPADY, KOCHI-5.

3. **THOMAS MITON, S/O.PETER,**
   PALLIPARAMBIL HOUSE, C.C.NO.16/111(A),
   THOPPUMPADY, KOCHI-5.

BY ADV. SRI.S.SREEKUMAR.

RESPONDENTS:

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1. **SAJINI ANTONY, D/O.P.V.ANTONY,**
   PULIKKAL HOUSE, C.C.NO.11/162,
   SOUTH THAMARAPARAMBU, FORT COCHIN.

2. **STATE OF KERALA, REPRESENTED BY**
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. M.S. BREEZ.
ADV. SRI.P.K.SOYUZ.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13/12/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3695 of 2007

Dated this the 13th day of December, 2007

O R D E R

Petitioners are the husband, mother in law and brother in law respectively of the 1st respondent/defacto complainant in C.C.2543 of 2006 pending before the J.F.M.C-II, Kochi. Petitioners face indictment for the offences punishable under Section 498 A r/w 34 I.P.C. The dispute between the petitioners and the defacto complainant/1st respondent have now been settled. Divorce has been agreed upon. An application for divorce has been filed. There is an agreement between the parties that all the disputes can be settled and the offence under Section 498 A I.P.C allegedly committed by the petitioners can be compounded. The 1st respondent is willing to compound the offences. She along with petitioners have come before this Court now and they make a joint request that the prosecution against the petitioners now pending under Section 498 A I.P.C may be quashed.

2. I am satisfied from the submissions made in the Crl.M.C, in the affidavit filed by the 1st respondent and from the joint application filed for divorce that the parties have settled their disputes amicably and the 1st respondent has compounded the offences allegedly committed by the petitioners. The offence under Section 498 A I.P.C is not legally compoundable. But I agree with the counsel that this is an eminently fit case where the dictum in **B.S.Joshy v. State of Haryana** [A.I.R (2003) SC 1386] can be pressed into service and premature termination of the proceedings can be brought about.

3. In the result, this Crl.M.C is, allowed. C.C.2543 of 2006 pending before the Judicial Magistrate of the First Class-II, Kochi, against the petitioners, is hereby quashed.

(R.BASANT, JUDGE)

rtr/-